

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CHRISTOPHER PAGE, JR.

Plaintiff,

v.

DONNIE KUKAN and
RED CLAY CONSOLIDATED SCHOOL
DISTRICT,

Defendants.

C.A. No. 05-32

JURY TRIAL DEMANDED

**DEFENDANTS' INTERROGATORIES
DIRECTED TO PLAINTIFF**

INSTRUCTIONS

Throughout these interrogatories, whenever you are requested to "identify" a communication of any type, and such communication was oral, the following information should be furnished:

- (a) By whom it was made and to whom it was directed;
- (b) Its specific subject;
- (c) The date upon which it was made;
- (d) Who else was present when it was made;
- (e) Whether it was recorded, described or summarized in any writing of any type;

if so, identify each such writing in the manner indicated above.

Whenever you are requested to "identify" a communication, memorandum or record of any type, and such communication was written, the following information should be furnished (in place of identification, production is acceptable):

- (a) Its nature, e.g. letter, memorandum, telegram, note, drawing, etc.;

- (b) Its specific subject;
- (c) By whom it was made and to whom it was directed;
- (d) The date upon which it was made;
- (e) Who has possession of the original and any copies.

Whenever a person is to be "identified", you should furnish, except as otherwise noted:

- (a) Name and present or last known address, and
- (b) If a corporation, the state of incorporation.

INTERROGATORIES

1. Give the names and last known addresses of all persons who were present at the scene of the incident at the time of the incident or within ten minutes after it occurred, listing specifically the persons who were eyewitnesses.

ANSWER:

2. Give the names and last known addresses of all persons other than those listed in the answer to interrogatory No. 1, and the expert witnesses listed below, who have knowledge of the facts concerning how the incident occurred and list the paragraph of the complaint of which he has knowledge.

ANSWER:

3. Give the names and last known addresses of persons from whom statements have been procured in regard to the facts alleged in the pleadings. As to each person named, state:

- (a) The name and last known address of the person who took the statement;
- (b) The date when the statement was taken;
- (c) The names and last known addresses of all persons presently having copies of the statements.

ANSWER:

4. Give the name and address of each person who has been interviewed on your behalf.

ANSWER:

5. With reference to any report, memorandum, or resume prepared by you or anyone acting on your behalf but not necessarily limited to any investigator, insurance adjuster or other person pertaining to any of the facts alleged or referred to in the pleadings, give the date of each such matter in writing as to each date given, state:

- (a) The name and address of the person or persons who prepared such writing and the name, address and identity of the employer of such person or persons;
- (b) A general description of such matter in writing (as, for instance, two page typed summary of an interview between investigator Jones and witness Smith dated January 1, 1966, or five page report by investigator Smith concerning the results of his investigation of the facts of the incident, etc);
- (c) Whether such writing was prepared under the supervision of or pursuant to the instructions of your attorney and, if so, the name and address of that attorney;
- (d) The names and addresses of persons who have copies of such matter in writing.

ANSWER:

6. Give the names and last known addresses of all persons who have taken photographs or prepared sketches or drawings in regard to any issue in this litigation. As to each person named, state:

- (a) The subject of each photograph, sketch or drawing and give a general description of it;
- (b) The date when the photograph was taken or the drawing or sketch prepared;
- (c) The name and address of each person having custody of such photograph, drawing or sketch.

ANSWER:

7. State in detail each injury, illness, complaint or disease you claim to have suffered in the incident or as a result of the incident upon which the complaint is based and as to each such separate designation, state:

- (a) The date of its onset if different from the date of the incident;
- (b) The name and address of the physician or other person trained in the healing arts who treated or examined you for that condition and the dates of each such treatment or examination and the nature of the treatment.

ANSWER:

8. If you have been treated or examined by any physician or other person trained in the healing arts since the date of the incident at any time, for any condition other than those specified in the answer to the previous interrogatory, give a specific description of such condition and, as to each condition so described, state:

- (a) The name and address of the doctor treating or examining such condition;
- (b) The dates of treatment or examination;
- (c) The nature of the treatment or examination.

ANSWER:

9. With reference to any treatment received at any hospital as an outpatient and as a result of the injuries you claim to have sustained in this incident, state the date or such treatment and, as to each date stated, state:

- (a) The name and address the hospital;
- (b) The injuries, illnesses, diseases or the like for which you were treated;
- (c) The dates you were in the hospital;
- (d) The name and address of the medical personnel treating you.

ANSWER:

10. With reference to every inpatient hospitalization of you which was a result of the injuries, damages, illnesses or diseases sustained by you as a result of this incident, state the inclusive dates of such hospitalization and, for each set of dates stated, state:

- (a) The name and address of the hospital;
- (b) A specific description of each and every condition treated during such hospitalization, whether or not such condition was caused wholly or partly by the incident;
- (c) Dates of hospitalization;
- (d) The name and address of the physician or person skilled in the healing arts who prescribed and supervised such treatment.

ANSWER:

11. If you were admitted to a hospital at any time since the date of the incident on any dates not specified in answer to the two previous interrogatories, give the date of admission, the name and address of the hospital and the condition for which you were admitted.

ANSWER:

12. If you are under the care of any physician, surgeon or other person skilled in the healing arts at the present time, state the name and address of such person and, as to each person stated, state:

- (a) The condition which is under the person's care;
- (b) The date of your last examination or treatment by that person;
- (c) The nature of the treatment or examination at the time specified above.

ANSWER:

13. If you are no longer under the care of a physician, surgeon or other medical personnel, give the date on which you were last treated or examined and the name and address of the doctor making such examination or treatment.

ANSWER:

14. If you have fully recovered from any of the injuries, illnesses, complaints, discomforts or diseases which you claim resulted directly or indirectly from the incident, describe such injuries, illnesses, complaints, discomforts or diseases from which you have recovered and, as to each, state the date of such recovery.

ANSWER:

15. If you have not recovered from all the injuries, illnesses, complaints or diseases sustained in the incident upon which this complaint is based, state in what respect you have not fully recovered, and state the names and addresses of all persons trained in medicine who have knowledge of the fact that you have not fully recovered.

ANSWER:

16. If you claim to be permanently disabled in any respect describe in detail each way in which you claim to be permanently disabled and, as to each, state:

- (a) The name and address of the physician having knowledge that such disability is permanent;
- (b) If you claim such permanent disability can be described in terms of percentages of loss of use state such percentage of loss of use.

ANSWER:

17. If x-rays, MRI's or CT-Scans or other diagnostic studies were taken in connection with any complaints you sustained as a result of the incident state the dates when such studies were taken and, as to each date stated, state:

- (a) The name and address of the person taking the studies and the place where the studies were taken;
- (b) The part of your body which was studied;
- (c) If the studies were not reported as normal, what abnormality was reported to have been shown on the studies.

ANSWER:

18. State whether you or anyone on your behalf have/has received doctors' or hospital reports or records bearing on your injuries. If the answer is "yes", state:

- (a) The name and last known address of the person making or preparing such report;
- (b) The date when it was made or prepared;
- (c) The nature of such report;
- (d) The name of the person having custody of such report.

ANSWER:

19. Describe in detail all illnesses, infirmities, diseases, or injuries which you had, or were informed that you had during the 10 years prior to the incident which is the subject of this litigation and, as to each, state:

- (a) The inclusive dates when you had such condition;
- (b) The name and address of the physician or other person skilled in the healing arts who treated you for such condition and the dates or approximate dates or inclusive dates of treatment;
- (c) A general description of the nature of the treatment;
- (d) If you were hospitalized for such condition, then the name and address of the hospital and the inclusive dates of hospitalization and a general description of the treatment rendered there.

ANSWER:

20. If you have received or undergone any psychological or psychiatric examination or treatment within the last five years give the name and address of the person rendering such examination or treatment and a specific description of the nature of such examination or treatment.

ANSWER:

21. If you have ever been involved in any prior incidents of any kind whatsoever including automobile incidents, falls, something falling on you, or in any other way whatsoever, in which you sustained physical injuries or damages of any kind whatsoever, state the date of such incident and, as to each date stated, state:

- (a) A general description of the incident;
- (b) A general description of your injuries;
- (c) The name and address of the physician or other person treating them;
- (d) Insofar as a claim was made by you or on your behalf against any person, corporation, insurer (under your own policy or any other policy for damages or expenses of loss resulting from such injury) state the name and address of the person, corporation or organization against which such claim was made, a specific description of the nature of the claim (as, for instance, for general damages and special damages due to negligence of the other party, a claim for incident and health benefits, etc.). If such claim was paid or settled state the total amount of such payment or settlement and the name and address of the insurer or other person actually making such payment.

ANSWER:

22. Insofar as you have, in connection with the injuries you received in this litigation, received payment, or had payment made on your behalf of any expenses or losses resulting from this litigation, except as already listed in answer to the previous interrogatories (as, for instance, payments made by Blue Cross or any other incidents and health insurer, any employer or wage continuation plans or the like, or any other source whatsoever), state the name and address of each person, corporation or organization providing such payments or benefits and, as to each person, corporation or organization named, state:

- (a) The basis on which the payment was determined (as, for instance, payment for medical expenses incurred, payment for loss of wages based on wages previously received, or payment of monthly disability amounts);
- (b) The amount of each individual payment and its date;
- (c) Whether the payor has a subrogated interest in this litigation for any part of such payment.

ANSWER:

23. If you claim the right to recover any "out-of-pocket" expenses, including but not limited to medical expenses and without regard to whether such claim was previously stated in the complaint, state:

- (a) The dollar amount of such expense;
- (b) The date when it was incurred;
- (c) The name and address of the person or organization to whom it was incurred;
- (d) A description of the goods or services for which it was incurred;

NOTE: If you claim the right to recover in this litigation any amount listed in the answers to the previous interrogatories designate here specifically which amounts you claim the right to recover.

ANSWER:

24. If you claim the right to recover medical expenses in the future in connection with the injuries resulting from the incident which is the subject of this litigation, state:

- (a) The dollar amount of such expense;
- (b) The approximate dates when such expenses will be incurred;
- (c) An itemized statement of the amount of each such expense which will be incurred and a description of the service or goods for which such expense will be incurred.

ANSWER:

25. State whether or not you, or any person on your behalf, has brought any claim against any other person or organization for the injuries for which this action is brought. If so, please state the name and address of each such person and/or organization and the nature of the claim, and identify the document(s) submitted in

presenting the claim.

ANSWER:

26. Have you ever instituted a civil action in any court or have you ever been a defendant in a civil action in any court? If so, please state the name and address of the Court, the names and addresses of other person or corporations who were parties to such action, the civil number, the date (including the year and is possible, month) when such action was instituted, and whether or not you were a plaintiff or defendant.

ANSWER:

27. Have you made any claim for personal injuries prior to this suit, whether formal or informal? If so, state:

- (a) Date such claim was made;
- (b) Injuries claimed;
- (c) Place or forum of claim;
- (d) Final disposition of the claim.

ANSWER:

28. Have you ever been deposed or filed answers to written interrogatories in connection with a claim for personal injuries either prior to or subsequent to this lawsuit? If so, state:

- (a) The date of the deposition and/or interrogatory responses;
- (b) The place of the deposition.
- (c) The names and addresses of the any persons including attorneys who have knowledge of the deposition or interrogatory responses;
- (d) Whether you have in your possession a copy of any deposition transcript.
- (e) Whether you have in your possession a copy of your interrogatory responses.

ANSWER:

29. Please state whether you have ever had a conversation with any of the defendants and if so, state the following:

- (a) The name and address of all persons present;
- (b) The date and place of the conversation;
- (c) The general nature of the conversation.

ANSWER:

30. State the name and address of every expert retained or employed by you in anticipation of this litigation or preparation for trial, whether or not you expect to call him as a witness at trial, and, as to each, state:

- (a) Name and address;
- (b) The date of initial employment;
- (c) The date or dates of any reports, letters or other writings prepared by such person, a brief description of such writing (as two page letter, three page report, etc.), and the names and addresses of persons having copies of them;
- (d) Whether such expert also rendered any service, in connection with any aspect of any subject matter involved in this litigation, other than in anticipation of this litigation or preparation for trial (as, for instance, giving medical attention required by the incident, designing machinery involved in the incident, etc.).

ANSWER:

31. With reference to any expert you expect to call to testify as a witness at the trial, state the name and address of such expert and, as to each expert named, state:

- (a) The subject matter on which the expert is expected to testify;
- (b) The substance of the facts and opinions to which the expert is expected to

testify;

- (c) A summary of the grounds for each such opinion.

ANSWER:

32. Insofar as you will call upon any physician or other person trained in the healing arts to testify as an expert and insofar as such person will testify to any past or present, temporary or permanent disability or injury of any kind whatsoever, give the name and address of such person and, as to each such person named, state:

- (a) The name of the specific specialty of treatment of such person;
- (b) The dates of examination of the plaintiff by such person;
- (c) A specific description of the exact extent of, and nature of such permanent disability, if it is permanent, or the extent of the disability during the duration of the temporary disability;
- (d) A specific and exact explanation of the cause of the disability using the technical and precise designation of the medical aspects of the determination of the disability as such terms are customarily used in the special field of expertise of such expert and would serve to fully and precisely describe the disability and its nature and cause.

ANSWER:

33. If you claim that either defendant violated any statute, State or Federal, or any regulation, code requirement or other mandatory instruction from any governmental authority whatsoever, specify in sufficient detail to enable the defendant to locate such statute, regulation, rule, code provision or mandatory instruction, the authority issuing it, and describe specifically the manner in which it was violated.

ANSWER:

34. If you claim the right to recover in this litigation for any damage to any property of any kind whatsoever, describe such property damage in detail and the manner in which it was damaged, the amount you claim the right to recover as a result of such damages and the manner in which you calculated that amount.

ANSWER:

35. State whether you are willing to execute a written authorization to inspect the records of hospitals and doctors who have rendered any medical treatment as a result of this incident. If the answer is "yes", please execute two copies of the medical authorizations attached to these interrogatories.

ANSWER:

36. State whether you or anyone on your behalf has written to or spoken with any doctors, hospital, or other persons trained in the healing arts, or written to or spoken with any person or company who maintains any records concerning injuries or illnesses, concerning the physical condition of the plaintiff. If the answer is yes, state as to each request for information:

- (a) The person or institution to whom the request was made;
- (b) Whether the request was verbal or in writing;
- (c) The date of the request;
- (d) The name and address of the person making the request;
- (e) A summary of the information requested.

ANSWER:

37. Provide a detailed description of when, where and how the incident occurred.

ANSWER:

38. State your weight at the time of the incident.

ANSWER:

MURPHY SPADARO & LANDON

/s/ Roger D. Landon

ROGER D. LANDON, I.D. No. 2460

1011 Centre Road, #210

Wilmington, DE 19805

(302) 472-8112

Attorney for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CHRISTOPHER PAGE, JR.

Plaintiff,

v.

DONNIE KUKAN and
RED CLAY CONSOLIDATED SCHOOL
DISTRICT,

Defendants.

C.A. No. 05-32

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I, Roger D. Landon, Esq., do hereby certify that on this 22nd day of April, 2005, two copies of the foregoing **INTERROGATORIES DIRECTED TO PLAINTIFF** were delivered via e-file and First Class Mail to the following individual(s):

James F. Kipp, Esq.
Trzuskowski Kipp & Kelleher
1010 Concord Avenue, #101
P.O. Box 429
Wilmington, DE 19899-0429

MURPHY SPADARO & LANDON

/s/ Roger D. Landon
ROGER D. LANDON, I.D. No. 2460
1011 Centre Road, #210
Wilmington, DE 19805
(302) 472-8112
Attorney for Defendants